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Forty-fourth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1137th MEETING

Held at Headquarters, New York,
on Monday, 6 April 1992 at 3 p.m.

Chairman: Mr. POCAR

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1141/Add.1.

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The meeting was called to order at 3.30 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Draft general comment on article 10 (continued) (CCPR/C/44/CRP.2)

1. Miss CHANET recalled that at the close of the previous meeting she and Messrs. Aguilar and Dimitrijevic had been invited by the Chairman to consult informally and submit to the Committee a final draft of paragraph 13.

2. Mr. AGUILAR, reporting on the proposed changes said that, first, in order to introduce the rest of the paragraph and to link the two cases covered by paragraphs 2 and 3 of article 10 to the whole of that article, the words "accused and offenders" in line 3, would be replaced by the words "persons deprived of their liberty"; second, the seventh sentence would read "Article 10 of the the Covenant does not indicate any limits of juvenile age."; third, the second half of the antepenultimate sentence would read as follows: "... the Committee is of the opinion that article 6, paragraph 5, suggests that all persons under the age of 18 be treated as juveniles, at least in matters relating to criminal justice"; lastly, "juvenile offenders" at the end of the next sentence would be changed to "juveniles".

3. The CHAIRMAN, referring to the first proposal, objected that "juvenile persons deprived of their liberty" covered more than just accused and offenders.

4. Mr. MÜLLERSON noted that article 10 (1) referred to all persons deprived of their liberty, including psychiatric patients, for instance, while paragraphs 2 and 3 dealt only with those charged with, or convicted of, a criminal offence. As the first sentence of paragraph 13 of the draft general comment could refer to all persons deprived of their liberty, he approved of the proposed wording.

5. The CHAIRMAN suggested that the end of the sentence should read "... the treatment accorded to juvenile persons deprived of their liberty and as to how their treatment is different from that of adults." A new second sentence would then add that paragraphs 2 and 3 contained specific provisions for matters relating to criminal justice.

6. Mr. DIMITRIJEVIC pointed out that it was beyond the Committee's mandate to offer such an interpretation of the Covenant, which said nothing of the separation of adults and juveniles in other than criminal cases. He suggested that, in order to avoid a protracted discussion of what was, after all, only an introductory sentence, the words of the Covenant itself should be used, namely, "accused juvenile persons and juvenile offenders".

7. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to that proposal.

8. It was so decided.

9. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to the proposed rewording of the seventh sentence.

10. It was so decided.

11. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to the proposed changes to the antepenultimate and penultimate sentences.

12. It was so decided.

13. The CHAIRMAN noted that Mrs. Higgins had suggested, for purposes of clarification, that the words "stricter than" in the second line of paragraph 8 should be deleted, and that paragraph 10, should begin as follows: "As to article 10, paragraph 3, which concerns convicted persons, ...". If he heard no objection, he would take it that the Committee agreed to the proposals.

14. It was so decided.

15. The draft general comment on article 10 was adopted, as amended.

The public meeting rose at 4 p.m.